

PATRICK D. ROBBINS (CABN 152288)
 Acting United States Attorney
 PAMELA T. JOHANN (CABN 145558)
 Chief, Civil Division
 KELSEY J. HELLAND (CABN 298888)
 Assistant United States Attorney
 U.S. ATTORNEY'S OFFICE
 450 Golden Gate Avenue, Box 36055
 San Francisco, California 94102-3495
 (415) 436-7200
 ERIC HAMILTON
 Deputy Assistant Attorney General
 DIANE KELLEHER
 Branch Director
 CHRISTOPHER HALL
 Assistant Branch Director
 JAMES D. TODD, JR.
 Senior Trial Counsel
 YURI S. FUCHS
 Trial Attorney
 U.S. DEPARTMENT OF JUSTICE
 Civil Division, Federal Programs Branch
 P.O. Box 883
 Washington, DC 20044

Counsel for Defendants

**UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

AMERICAN FEDERATION OF
 GOVERNMENT EMPLOYEES, *et al.*

Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONNEL
 MANAGEMENT, *et al.*,

Defendants.

) Case No. 3:25-cv-1780-WHA

) **ADMINISTRATIVE MOTION TO FILE**
) **AGENCY LISTS OF EMPLOYEES UNDER**
) **SEAL**

) Honorable William H. Alsup

1 Pursuant to Civil Local Rule 7-11 and 79-5(c), Defendants move to file under seal unredacted
2 copies of federal-employee information in support of their Response to Plaintiffs' Motion to Compel
3 Compliance with Preliminary Injunction or to Hold Defendants in Contempt. Previously, this Court
4 ordered Defendants to "submit a list of all probationary employees terminated on or about February 13th
5 and 14th with an explanation as to each of what has been done to comply with this order." Tr. of March
6 13, 2025, Hrg. at 53:13-16, 20-22, ECF No. 120. Defendants then submitted this information but filed it
7 under seal because it contained the personal identifying information ("PII") of federal employees that
8 should remain confidential and filed redacted copies on the public docket. *See* Admin. Mot to File
9 Agency Lists of Employees Under Seal, ECF No. 143; Not. of Filing Certain Agency Declarations &
10 Redacted Lists of Agency Emps., ECF No. 144. Those filings demonstrated the steps that each agency
11 had undertaken to immediately comply with the Court's orders, including lists of probationary
12 employees and documenting what had been done to offer reinstatement to those employees. As part of
13 Defendants' Response to Plaintiffs' Motion to Compel Compliance with Preliminary Injunction or to
14 Hold Defendants in Contempt, Defendants seek to file similar lists on behalf of the Departments of
15 Defense, the Interior, and Veterans Affairs that demonstrate steps taken by the agencies to comply with
16 the Court's orders. As with their prior submission of employee lists, Defendants seek to seal the
17 unredacted lists while submitting the redacted lists on the public docket.

18 Because the information Defendants seek to seal is not being submitted in support of any
19 argument for relief on the merits, but rather to update the Court on actions taken by Defendants
20 following issuance of the preliminary injunction, the "good cause" standard applies. *See Ctr. for Auto*
21 *Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016) (internal citations omitted). Even
22 under the more stringent "compelling reasons" standard for sealing some information, courts in this
23 District routinely order the sealing of third-party PII. *See, e.g., Opperman v. Path, Inc.*, No. 13-cv-453,
24 2017 WL 1036652, at *4 (N.D. Cal. Mar. 17, 2017) (exhibit containing "the names, email addresses, and
25 phone numbers of non-part[ies]" provided "compelling reasons to seal [it] in its entirety").

26 In this case, there is both good cause and a compelling reason to protect federal employee PII
27 from public disclosure here. First, absent an applicable exemption, the Privacy Act protects such
28 information from disclosure. *See* 5 U.S.C. § 522a(b). Second, the federal employees identified in the

documents are not parties to this litigation and have their own privacy interests; therefore there is no need for public disclosure of their identities or their PII at this point in the proceedings. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1137 (9th Cir. 2003) (recognizing the need to “protect third-party privacy interests” in “personnel records”). If sealing were denied, the names and PII of third-party employees will be exposed to public attention in this high-profile litigation. And because the Court’s order specifically requires the submission of employee PII, *see* Tr. of March 13, 2025, Hrg. at 53:13-16, 20-22, no less-restrictive alternative (such as redacting that information) is sufficient here.

CONCLUSION

Defendants respectfully request this Court grant this Motion and permit unredacted copies of the following documents to be filed under seal:

1. Ex. 1: U.S. Department of Defense’s List of Employees
2. Ex. 2: U.S. Department of Veterans Affairs’ List of Employees
3. Ex. 3: U.S. Department of the Interior’s List of Employees

DATED: March 31, 2025

Respectfully submitted,

PATRICK D. ROBBINS (CABN 152288)
Acting United States Attorney
PAMELA T. JOHANN (CABN 145558)
Chief, Civil Division
KELSEY J. HELLAND (CABN 298888)
Assistant United States Attorney
U.S. ATTORNEY’S OFFICE
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495

ERIC HAMILTON
Deputy Assistant Attorney General

DIANE KELLEHER
Branch Director
CHRISTOPHER HALL
Assistant Branch Director

JAMES D. TODD, JR.
Senior Trial Counsel

s/ Yuri S. Fuchs
YURI S. FUCHS
Trial Attorney
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
P.O. Box 883
Washington, DC 20044

Counsel for Defendants